

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case no. 00-6003-Cr-Dimitrouleas**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MITCHELL STEIN,

Defendant.

**NIGHT BOX
FILED**

MAR 22 2000

CLARENCE MADDOX
CLERK, USDC / SDFL / ETL

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

The Defendant, through undersigned counsel, notes his objections to the Presentence Investigation Report and states:

1) With regard to ¶ 2, the defendant also notes that the United States agreed to recommend the low end of the guidelines at the time of sentencing.

2) With regard to ¶ 3, it is the defendant's understanding, after consultation with his tax adviser, that he still faces the potential for additional tax penalties, and owes interest of as much as \$30,000 not reflected in the Presentence Investigation Report. The defendant does not have the present resources to liquidate any such amounts.

3) The defendant objects to the language utilized in ¶ 7 which states "Stein failed to file tax returns for the years 1993 through 1995." The defendant filed his tax returns for the years 1993 through 1995. An appropriate corrections would be: "Stein failed to timely file his tax returns for the years 1993 through 1995."



4) The defendant submits that he is the only one charged and any reference to his wife's statements should be removed from the report. Further, the defendant disputes the government's characterization that he did not file his returns because it would have caused his disability benefits to stop.

5) The defendant disagrees with the terminology used in ¶ 8. The word "unreported" should be stricken from the "Particulars" section, inasmuch as, this was the income that was, in fact, reported, when the returns were filed. The total for 1993 is incorrect. The terminology "Tax Due and Owing," as well as the terminology "Total Tax Due for 1993, 1994, and 1995," should be changed because the defendant paid all his taxes in 1997 and thus no tax is actually due and owing.

6) The correct spelling for the defendant's wife's maiden name in ¶ 29 is Sloane.

7) The correct date for the urine screening as noted in ¶ 34 was February 7, 2000.

8) Additional unsecured debts in ¶ 42 should include \$1,250 to his lawyer and \$30,000 to \$50,000 in tax penalties and interest.

LAW OFFICES OF GARY KOLLIN, P.A.
8211 W. Broward Blvd. Suite 420
Fort Lauderdale, Florida 33324
Telephone: (954)723-9999
Telefax: (954) 475-2279

By: _____

GARY KOLLIN
Fla. Bar No. 282431

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed this 22nd day of March, 2000, to Assistant United States Attorney Lynn Rosenthal, 299 E. Broward Blvd., Ft. Lauderdale, FL 33301 and to Georgeann Stanley, US Probation Officer, 299 E. Broward Blvd., Room 409, Ft. Lauderdale, FL 33301-1168.



GARY KOLLIN, ESQ.